

IN RE: PETITION FOR ZONING VARIANCE
3M/S Reisterstown Road, 270' NW
NW of Cedarvale Drive
(11308 Reisterstown Road)
4th Election District
1st Councilmanic District
Baltimore Bar-B-Que Mgmt., Inc.
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-161-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance filed by the owner of the subject property, Baltimore Bar-B-Que Management, Inc., trading as Red Hot & Blue, by and through its attorney, Vernon Booser, Esquire. The Petitioner requests relief from Sections 303.2 and 235.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 50 feet in lieu of the required 63.5 feet based upon the averaging requirement; from Section 409.6.A.2 of the B.C.Z.R. to permit 44 parking spaces in lieu of the required 57 spaces; and from Section 413.2.f of the B.C.Z.R. to permit 143 sq.ft. of signage in lieu of the permitted 100 sq.ft., for the proposed expansion of an existing restaurant building, all as more particularly described on Petitioner's Exhibit 8B, the plat to accompany the variance application.

Appearing on behalf of the Petition were William P. Monk, Land Planner who prepared the site plan and is coordinating the development effort for the Petitioner, John "Kip" Edwards, III, Franchisee, and George Lawson, a restaurant designer. The Petitioner was represented by Vernon Booser, Esquire. There were no Protestants present.

Testimony indicated that the subject property known as 11308 Reisterstown Road, consists of approximately .804 gross acres zoned B.M.,

and is improved with an existing building previously used as a restaurant. Said property is a rectangular shaped parcel which fronts on Reisterstown Road and is located immediately adjacent to a number of commercial establishments. In fact, the Reisterstown Road corridor at this location is highly commercial, with several residential subdivisions to the rear of the properties which front that roadway.

Mr. Monk introduced the site plan for the subject property and offered a number of photographs of the surrounding community, including an aerial photograph and a current zoning map. As noted, the property is zoned B.M. and has been the site of numerous restaurants. Most recently, the property served as the site of a Gringo's Restaurant; however, that restaurant has been closed for approximately one year. The Petitioner proposes to make several modifications to the existing building and to convert same to a franchise restaurant known as the Red Hot and Blue. This food chain specializes in Memphis-style barbeque and has other locations in the Annapolis area as well as North Carolina.

As to the proposed site, it is presently improved with a building approximately 2100 sq.ft. in area. The building as currently constructed features a vestibule in front which extends towards Reisterstown Road from the plane created by the remainder of the front of the building. The Petitioner proposes to square off the front of the building so that a uniform building line will be created. Although the current front setback will not be changed, the Petitioner is required to seek variances from Sections 303.2 and 235.1 of the B.C.Z.R. for a 50-foot front yard setback. The Petitioner also proposes expanding the rear of the building by the construction of an addition thereon which will provide needed kitchen space. There is no variance needed for the rear improvements. All told,

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the square footage of the building will be increased to 2,820 sq.ft. Additionally, the parking lot is to be realigned and reconfigured to create a drive-in facility. The Petitioner will provide 44 parking spaces under the new alignment thereby necessitating a variance from the required 57 spaces. It is to be noted that an additional area, 11.5 feet wide by 40 feet deep, will be improved to the rear of the lot to accommodate additional parking spaces. Mr. Monk also testified that the Petitioner owns a large tract to the rear of this site which will remain undeveloped. This tract provides a sufficient amount of screening and buffering for those residential properties to the rear of the subject site.

Testimony was also received from "Kip" Edwards, the Franchisee. Mr. Edwards noted that this franchise was established in 1988 and that the proposed site will employ approximately 70 - 80 people. He testified that over one-half million dollars will be invested in developing the subject property as proposed. Mr. Edwards also noted that with the drive-in facility, he believes adequate parking exists, even with the variance requested.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

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Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

As to the front yard setback, it is clear that same should be granted. It is to be emphasized that the relief requested will legitimize an existing situation. That is, notwithstanding the additional construction to the front of the building, the front building envelope line will not be extended any closer towards Reisterstown Road. Rather, a rectangular building shape will be created and the front line of the improvements on the property will remain 50 feet from the Reisterstown Road property line. It is clear that relief from this setback requirement, if granted, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good. Further, strict compliance with the setback requirements would cause a practical difficulty upon the Petitioner. That is, the Petitioner would need to relocate the building further from the property line. Clearly, this is an unnecessary and onerous burden to impose upon the Petitioner.

As to the parking variance, the same burden at law is imposed. Again, I am persuaded that this variance should be granted. The uncontradicted testimony from both Mr. Monk and Mr. Edwards was that sufficient parking exists to accommodate the anticipated flow of vehicular traffic to this site. Particularly with the drive-in capacity, there will be less sit-down business at the restaurant. Mr. Edwards' testimony regarding other franchises of this operation was particularly persuasive. It is also to be noted that there is no further room on site for additional parking. Lastly, in regard to traffic flow and parking, Mr. Monk noted that the plan will be amended to reflect the concerns set forth in the comments submitted by Rahee Fanni of the Bureau of Traffic Engineering dated November

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ber 30, 1992. Thus, inclusion of those comments on the site plan will be required as a restriction within this Order to address that agency's concerns.

The final variance to be considered relates to the proposed signage. The Petitioner has requested a variance to permit 143 sq.ft. of signage in lieu of the permitted 100 sq.ft. It is to be noted that a single pole sign presently exists on the site and faces Reisterstown Road. That sign includes a pole, a message board, a small 1' x 8' strip, a solid 5' x 10' message face, and a sunrise design on top. The Petitioner proposes modifying/replacing this sign with a double-faced single pole sign of 58 sq.ft. per face, or 116 sq.ft. total. The balance of the square footage proposed is for a menu board serving the drive-thru lane. This single-faced sign will be 4.5' x 6' in dimension, or 27 sq.ft. total.

Addressing the menu board sign first, I am persuaded that same should be permitted. Clearly, an exterior menu is necessary to accommodate the expected drive-thru patrons. Further, the location of this sign immediately adjacent to the building and away from Reisterstown Road will not cause any adverse impact to surrounding properties. As to the single pole sign, I am likewise persuaded that a total area of 58 sq.ft. per side should be granted. This would allow the Petitioner to retain the sign as presently constructed, i.e., the main face of 50 sq.ft. per side and the narrow strip face of 1' x 8' below, or, in the alternative, installing a sign with one continuous surface area of 58 sq.ft. per side. Further, granting the variance in this fashion will oblige the Petitioner to remove the message board and the sunrise design at the top of the sign. There is no compelling reason why either the message board or the sunrise design should remain in that they do not provide advertising space for the

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logo of the company nor provide any functional purpose. Further, in view of the excellent visibility of this site from Reisterstown Road, retaining the sunrise design and message board adds to the visual clutter along this commercial corridor. Thus, the variance will be granted to permit the existing menu board of 27 sq.ft. as well as a pole sign containing 116 sq.ft. of sign face, or 58 sq.ft. per side, as described above.

In addition to considering the variances and the Zoning Plans Advisory Committee comments related thereto, additional discussion as to landscaping is in order. Specifically, a written comment was received from the Developers Engineering Division of the Department of Public Works in which landscaping of the entire property was recommended. A comprehensive landscape plan was proposed by this agency for the entire site, over and above that area which will be impacted by the proposed additions to the building. In this respect, Mr. Monk noted that the site plan already provides landscaping on three portions of this site. First, the natural buffer area on the front of the property will be widened by approximately 10 feet as shown on the site plan. Thus, the developer has agreed to provide additional landscaping to the front of this site to screen the property from other uses on Reisterstown Road. Secondly, additional landscaping is shown on the rear of the site separating the rear parking area from the drive-thru lanes. It does not appear that further screening need be employed to the rear of this site in view of the large wooded tract owned by the Petitioner which is not part of the variance application. This tract, which extends to a depth of approximately 190 feet, provides a natural wooded buffer between the subject property and residential properties to the rear. Third, the Petitioner proposes additional landscaping on the south corner of the site, adjacent to the proposed dumpster location.

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Although, the Petitioner has proposed landscaping as set forth above in the areas shown on the site plan, additional testimony was given regarding the 10-foot wide strip on the south side of the property which separates this site's parking lot from the retail/office property located immediately next door. It was noted that this strip is severely sloped so as to prevent landscaping at that location. Clearly, if the area were mulched, erosion could occur during a heavy rainstorm. Therefore, the Petitioner proposes to keep that strip in its natural state without further improvement. In view of this testimony, I am persuaded that the Petitioner's landscape plan is appropriate. Thus, I will require the Petitioner to landscape the three areas described above and as designated on the site plan. The details of the landscape plan for these areas (i.e., type of planting, etc.) will be determined by the County's Landscape Planner. However, landscaping on the south side of the property will not be required in view of the slope and site constraints associated therewith.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning commissioner for Baltimore County this 12th day of January, 1993 that the Petition for Zoning Variance requesting relief from Sections 303.2 and 235.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 50 feet in lieu of the required 63.5 feet based upon the averaging requirement; from Section 409.6.A.2 of the B.C.Z.R. to permit 44 parking spaces in lieu of the required 57 spaces; and from Section 413.2.f of the B.C.Z.R. to permit 143 sq.ft. of signage in lieu of the permitted 100 sq.ft., for the proposed expansion of an existing restaurant building, in accordance

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with Petitioner's Exhibit 8B, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Within thirty (30) days of the date of this Order, the Petitioner shall submit a revised site plan which incorporates the comments submitted by the Bureau of Traffic Engineering dated November 30, 1992.
- 3) Prior to the issuance of any permit, Petitioners shall submit a landscape plan for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. Landscaping for the subject property shall include that portion of the site facing Reisterstown Road, the rear portion of the lot adjacent to the drive-thru lane and the area around the proposed location for the dumpster area. There shall be no landscaping required along the southern property line.
- 4) The sign variance granted herein is limited to the existing menu board of 4.5' x 6' and the pole sign of 116 sq.ft. total, or 58 sq.ft. per face.
- 5) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

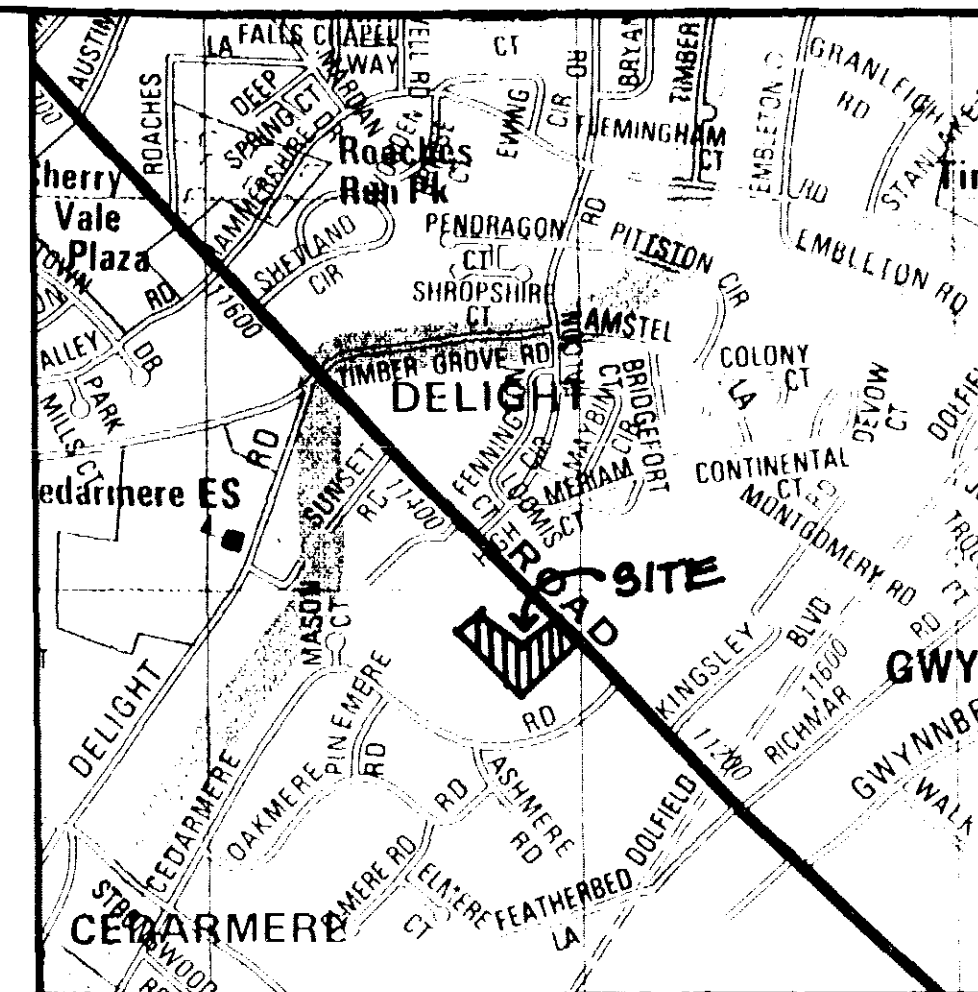
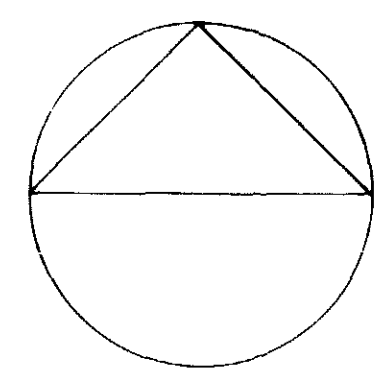
LES:bjs

LAWRENCE E. SCHMITT
Zoning Commissioner
for Baltimore County

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- NOTES:
- 1) ZONING: EXISTING - BM PROPOSED - BM (NO CHANGE)
 - 2) LOT AREA: NET - 32,235 SQ. FT. (.74 AC.) GROSS - 35,042 SQ. FT. (.804 AC.)
 - 3) EXISTING USE: RESTAURANT WITH DRIVE-THRU WINDOW (UNOCCUPIED)
 - 4) PROPOSED USE: RESTAURANT WITH DRIVE-THRU WINDOW (1 STORY)
 - 5) BUILDING SETBACKS: REQUIRED PROVIDED FRONT - 63.5' 50' INTERIOR SIDE - 0' 30' REAR - 20' 271' +/-
BASED UPON AVERAGING PROVISION WITH THE DIMENSIONS TAKEN FROM THE ULTIMATE R/W LINE FOR REISTERSTOWN ROAD (80' R/W) (122' +/- 55' = 1277' / 2 = 63.5')
 - 6) BUILDING AREA: EXISTING - 2,081 SQ. FT. +/- PROPOSED - 2,820 SQ. FT. +/-
 - 7) PARKING: REQUIRED - 57 SPACES PROVIDED - 44 SPACES
 - 8) UTILITIES: SEWER - PUBLIC WATER - PUBLIC
 - 9) SPECIAL HEARING: NONE
 - 10) VARIANCE: 1) SECTION 103.2 & 235.1 TO ALLOW A FRONT YARD OF 50' FEET IN LIEU OF THE REQUIRED 63.5 FEET.
2) SECTION 407.6A2 TO PERMIT 44 PARKING SPACES IN LIEU OF THE REQUIRED 57 SPACES.
3) A VARIANCE FROM SECTION 413.2F TO PERMIT 86 SQ. FT. PER SIDE FOR THE FREE STANDING POLE SIGN IN LIEU OF THE REQUIRED 50 SQ. FT.
 - 11) SPECIAL EXCEPTION: NONE
 - 12) ELECTION DISTRICT: 4
 - 13) COUNCILMANIC DISTRICT: 3
 - 14) CENSUS TRACT: 4041
 - 15) WATERSHED: 27
 - 16) SUBWATERSHED: 67
 - 17) DEED REFERENCE: 7287205
 - 18) PROPERTY ACCOUNT NO.: 1600001203
 - 19) TAX MAP 58, BLOCK 7, PARCEL 42
 - 20) FLOOR AREA RATIO: MAXIMUM PERMITTED: 3.0 PROPOSED: .28
 - 21) HEIGHT OF BUILDING: 1 FLOOR
 - 22) MASS TRANSIT ADJUSTMENT: N/A
 - 23) AMENITY OPEN SPACE: N/A

- 24) OUTDOOR LIGHTING: PARKING LOT LIGHTING WILL BE PROVIDED. NO LIGHTS WILL PROJECT ONTO ANY ADJACENT PROPERTIES.
- 25) HANDICAP RAMPS: RAMPS TO ACCESS THE BUILDING WILL CONFORM TO ALL LOCAL, STATE AND FEDERAL REQUIREMENTS.
- 26) SIGNS: THE EXISTING FREE STANDING POLE SIGN WILL BE UTILIZED (SEE DETAIL ON PLAN). ALL BUILDING MOUNTED SIGNS WILL CONFORM TO SECTION 413 BCCR. (BALTO CO SIGN PERMIT # 4313)
- 27) PREVIOUS COMMERCIAL PERMITS: CRG # IV 261, FINAL PLAT APPROVED AUGUST 10, 1988.
- 28) PREVIOUS ZONING HEARINGS: NONE



VICINITY MAP
(SCALE: 1" = 1000')

REVISIONS: 01/03/22 LABEL DONE MAY 2022
02/01/22 LABEL DONE MAY 2022
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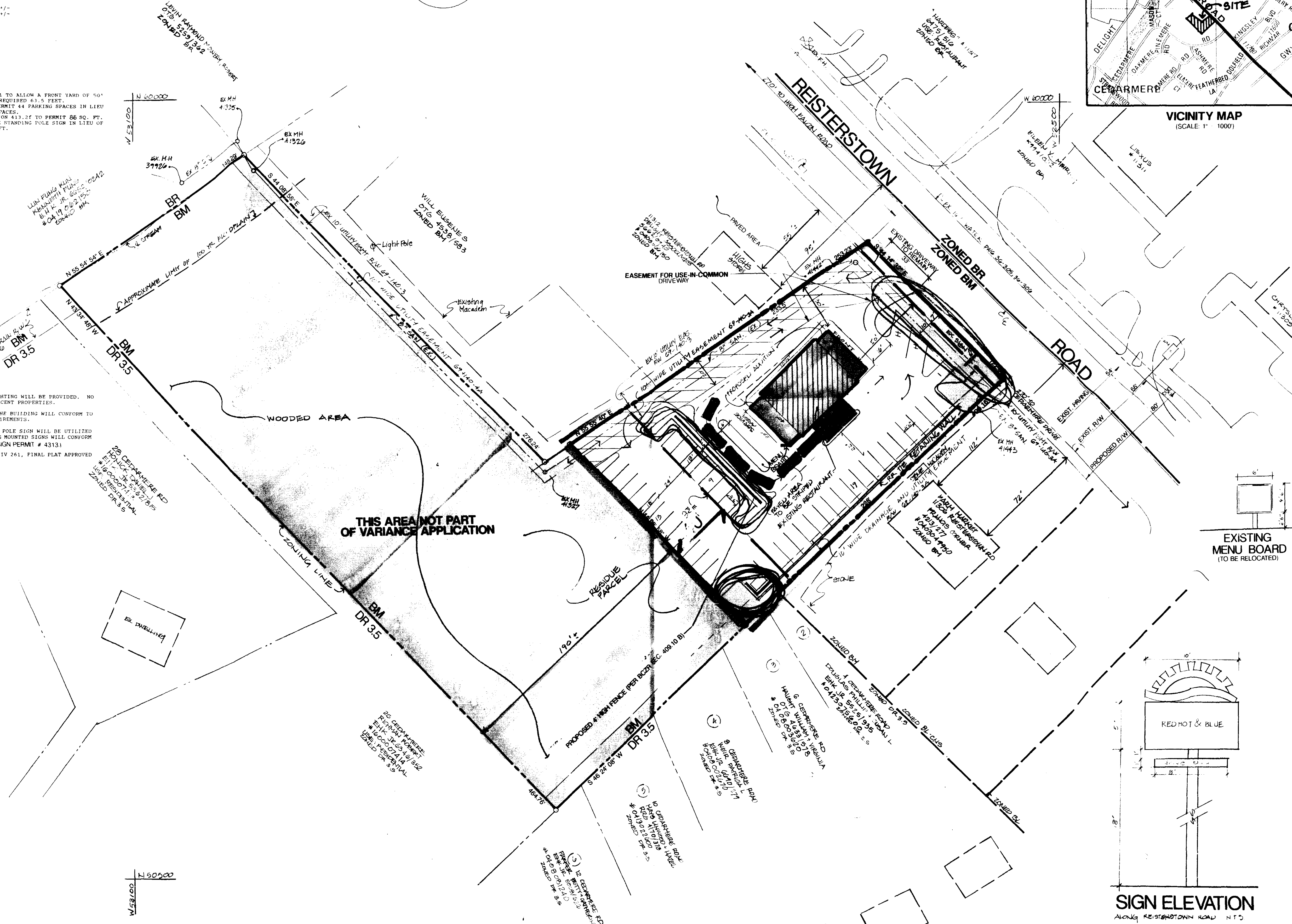
APPLICANT:
BALTIMORE BAR-B-QUE MANAGEMENT, INC.
1600 WILSON BLVD.
ARLINGTON VA. 22209
(703) 276-8833

PLAT TO ACCOMPANY VARIANCE APPLICATION
RED HOT AND BLUE RESTAURANT

11308 REISTERSTOWN ROAD
BALTIMORE COUNTY, MARYLAND

WILLIAM MONK, INC.
PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT
CONVENT ROAD COMMONS
222 ROSLEY AVENUE SUITE B-7
TOWSON, MARYLAND 21204
(410) 251-1234

PETITIONER'S
EXHIBIT a-b



PETITIONER'S
EXHIBIT 3

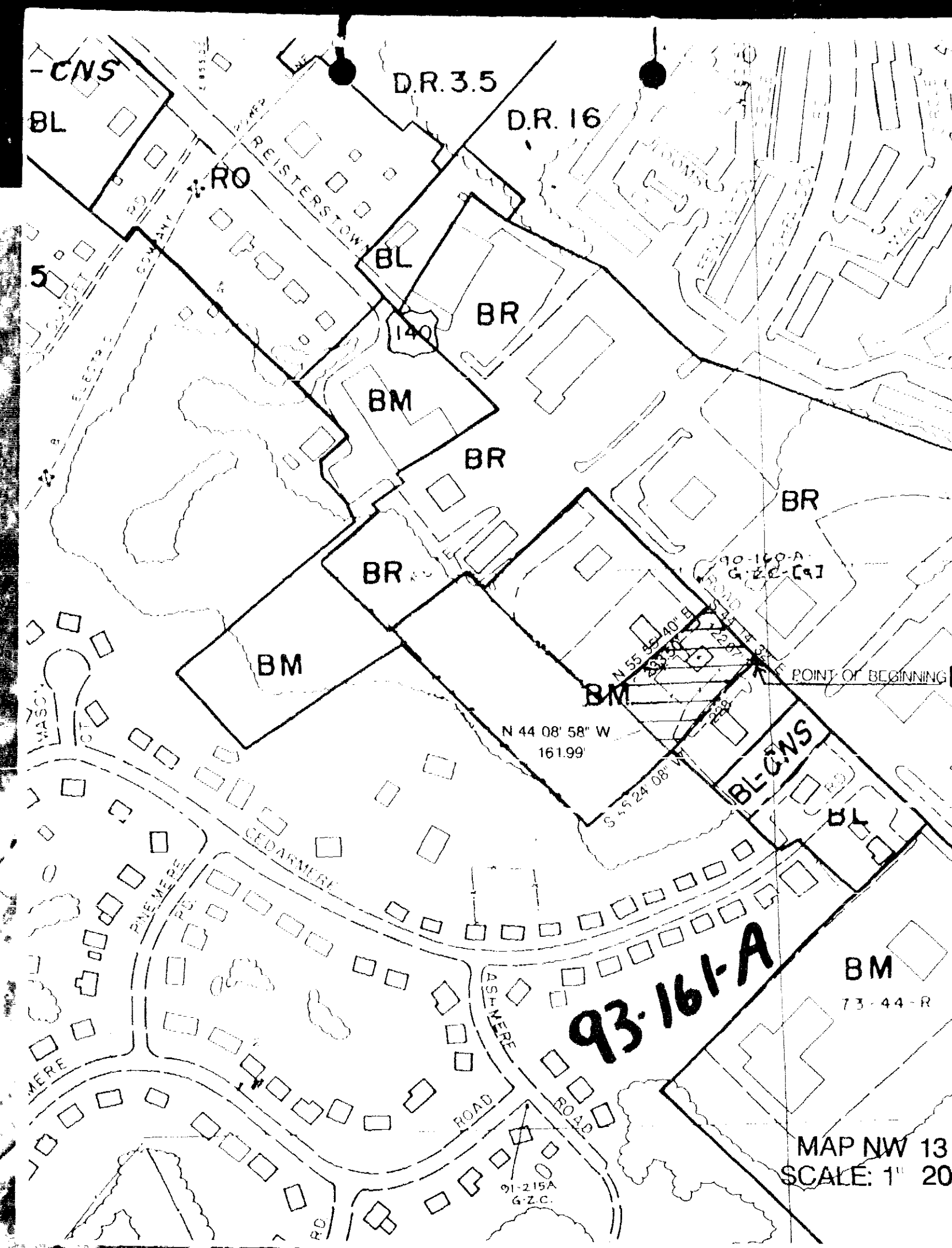
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
BELLTOWN

SHEET
NW
13.1





Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 7, 1993

Vernon Booser, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
SM/S Reisterstown Road, 270' NW of Cedarmere Drive
(11308 Reisterstown Road)
4th Election District - 3rd Councilmanic District
Baltimore Bar-B-Que Management, Inc. - Petitioner
Case No. 93-161-A

Dear Mr. Booser:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

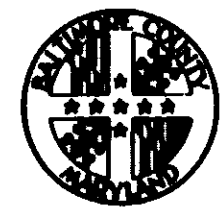
Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

file



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11308 Reisterstown Road

which is presently zoned BM

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 409.6A2 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.) The applicant needs to enlarge the existing restaurant building to provide additional patron seating and kitchen facilities. However the front building setbacks for the 2 existing structures (on both sides of the subject property) make it impossible to expand the existing restaurant building toward Reisterstown Road without necessitating a variance. In order to accommodate the additional parking spaces (13), large trees and vegetation adjacent to residential properties would have to be removed. Property is to be used as a restaurant. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessor:

Red Hot & Blue

(Type or Print Name)

1600 Wilson Blvd.

Arlington, VA

22209

City

State

Zipcode

Address

City

State

Zipcode

City

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Legal Owner(s):

Baltimore Bar-B-Que Management, Inc.

(Type or Print Name)

1600 Wilson Blvd.

Arlington, VA

22209

City

State

Zipcode

Address

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93-161-A

ZONING DESCRIPTION
RED HOT AND BLUE RESTAURANT
11308 REISTERSTOWN ROAD
FOURTH DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING AT A POINT ON THE SOUTHWEST SIDE OF REISTERSTOWN ROAD (MD ROUT 140), 60 FEET WIDE, 270 FEET NORTHWEST OF CEDARMERE DRIVE; THENCE PROCEEDING THE FOLLOWING COURSES AND DISTANCES:

SOUTH 46 DEGREES 24 MINUTES 08 SECONDS WEST, 228.00 FEET, NORTH 44 DEGREES 08 MINUTES 58 SECONDS WEST, 161.99 FEET, NORTH 55 DEGREES 55 MINUTES 40 SECONDS EAST, 233.50 FEET, TO THE AFOREMENTIONED RIGHT-OF-WAY LINE OF REISTERSTOWN ROAD, THENCE SOUTH 44 DEGREES 14 MINUTES 32 SECONDS EAST, 122.07 FEET TO THE POINT OF BEGINNING.

CONTAINING .74 ACRES OF LAND, MORE OR LESS.

REDHOT.ZON



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 4th Date of Posting: 12/18/92

Posted for: Variance

Petitioner: Baltimore Bar-B-Que Management, Inc. Red Hot & Blue

Location of property: 11308 Reisterstown Rd. (11308) 2nd right of way line

Location of Signs: 11308 Reisterstown Rd. 2nd right of way line

Remarks:

Posted by: M. J. J. J.

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 12/10/92

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/10/92.

THE JEFFERSONIAN,

Robert O. Jones
Publisher

#6102

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE, REVENUE DIVISION

MISCELLANEOUS CASH RECEIPT

DATE: 11/19/92 ACCOUNT: R-001-6150

AMOUNT \$ 2,500.00

RECEIVED FROM: RED HOT & BLUE

FOR: COMMERCIAL VARIANCE FILING

DA04-0007-01-02 \$250.00

VALIDATION OR SIGNATURE OF CARRIER

DATE: 11/19/92

11/10/92

11/10/92

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BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 3/29/93 ACCOUNT: R-001-6150

AMOUNT \$ 440.00

RECEIVED FROM: COLLECT ENGINEERING

FOR: RED HOT & BLUE - DEVELOPMENT PLAN

11308 REISTERSTOWN ROAD CS NO: 93-161-A

DA04-0007-01-02 \$440.00

VALIDATION OR SIGNATURE OF CARRIER

DATE: 3/29/93

3/29/93

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3/29/93

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

DATE: 12/14/92

Red Hot & Blue

1600 Wilson Boulevard

Arlington, Virginia

RE:

CASE NUMBER: 93-161-A (Item 165)

SM/S Reisterstown Road, 270' NW of Cedarmere Drive

11308 Reisterstown Road

4th Election District - 3rd Councilmanic

Vernon Booser, Esquire
614 Bosley Avenue
Towson, MD 21204

RE: Case No. 93-161-A, Item No. 165
Petitioner: Baltimore Bar-B-Que
Management, Inc., et al
Petition for Variance

Dear Mr. Booser:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Your petition has been received and accepted for filing this
10th day of November 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Baltimore Bar-B-Que Management, Inc., et al
Petitioner's Attorney: Vernon Booser

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 25, 1992
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for November 23, 1992
Item No. 165

The Development Engineering Division has reviewed the subject zoning item. The "impacted area" of the proposed addition is subject to the Landscape Manual. We recommend that the entire site be subject to the Landscape Manual, to the extent possible, in order to mitigate the effects of the larger sign and fewer parking spaces.

RWB:DAK:8

November 23, 1992

RE: Baltimore County
MD 140
Item No. 4-165 (JLL)

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Dear Ms. Winiarski:

This office has reviewed the referenced item and has no objection as the existing channelized entrance onto MD 140 is acceptable.

Please contact Mr. David Ramsey at 410-333-1350 if you have any questions. Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile
John Contestabile, Chief
Engineering Access Permits
Division

DR/es

cc: William Monk, Incorporated
Baltimore Bar-B-Que Management, Inc.

RECEIVED
NOV 27 1992

ZONING OFFICE

My telephone number is 410-333-1350 (Fax# 333-1041)

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: December 7, 1992
Zoning Administration &
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Red Hot and Blue Restaurant

INFORMATION:
Item Number: 165

Petitioner: Baltimore Bar-B-Que Management, Inc.

Property Size: 0.74 acres

Zoning: RM

Requested Action: Variance

Hearing Date: 1/1

SUMMARY OF RECOMMENDATIONS:
The petitioner is requesting a variance to permit a front yard setback of 50' in lieu of the required 63.5' based upon the averaging requirement; to permit 44 parking spaces in lieu of the required 57 and to permit 143 square feet of signs in lieu of the permitted 100 square feet.

The Office of Planning and Zoning recommends APPROVAL of the variance request to permit a front yard setback of 50 feet.

This Office recommends DENIAL of the petitioner's request to permit a free standing sign of 85 square feet in lieu of the required 50 square feet. Our Office recommends that the sign be scaled down to meet the requirements of the Zoning Regulations. The property has good visibility in both directions along Reisterstown Road so that an oversized sign is not necessary. The Office of Planning and Zoning is willing to work with the petitioner and his engineer to reach a compromise on the scale of the sign.

A final landscape plan approved by the Baltimore County Landscape Architect should be required before any building permits are issued with an emphasis on providing street trees.

Prepared by: Francis Massey

Division Chief: Eric McDaniel

EMC/D/PH: rdn

165 ZAC/ZAC1

58 #
PCL
SDE
427 #
FAYTH
MAY
RANRO

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: 11/30/92

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: 11/23/92

ITEM NUMBER: 165

1. 24' WIDE TRAVEL WAY MUST BE PROVIDED FROM REISTERSTOWN RD. TO THE REAR PARKING AREA.
2. "DO NOT ENTER" SIGN NEEDS TO BE INSTALLED NEXT TO THE HANDICAPPED SPACE NEAREST THE ENTRANCE.
3. STACKING SPACES MUST SCALE A MINIMUM OF 20'.
4. THE STACKING LANE MUST BE CLEARLY SEPARATED FROM THE TRAVEL WAY.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Rec'd 11/30/92

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director DATE: December 1, 1992
Zoning Administration and
Development Management

FROM: J. Lawrence Pilon JLP/lms
Development Coordinator, DEPRM

SUBJECT: Zoning Item #165
11308 Reisterstown Road
Zoning Advisory Committee Meeting of November 23, 1992

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

The above-referenced Regulations shall apply to any development of the residue parcel.

LP:sp

REISTERS/TXTSP

Rec'd 12/7/92

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500
NOVEMBER 27, 1992 (410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: BALTIMORE BAR-B QUE MANAGEMENT, INC.

Location: #11308 REISTERSTOWN ROAD

Item No.: 4 165 (JLL) Zoning Agenda: NOVEMBER 23, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

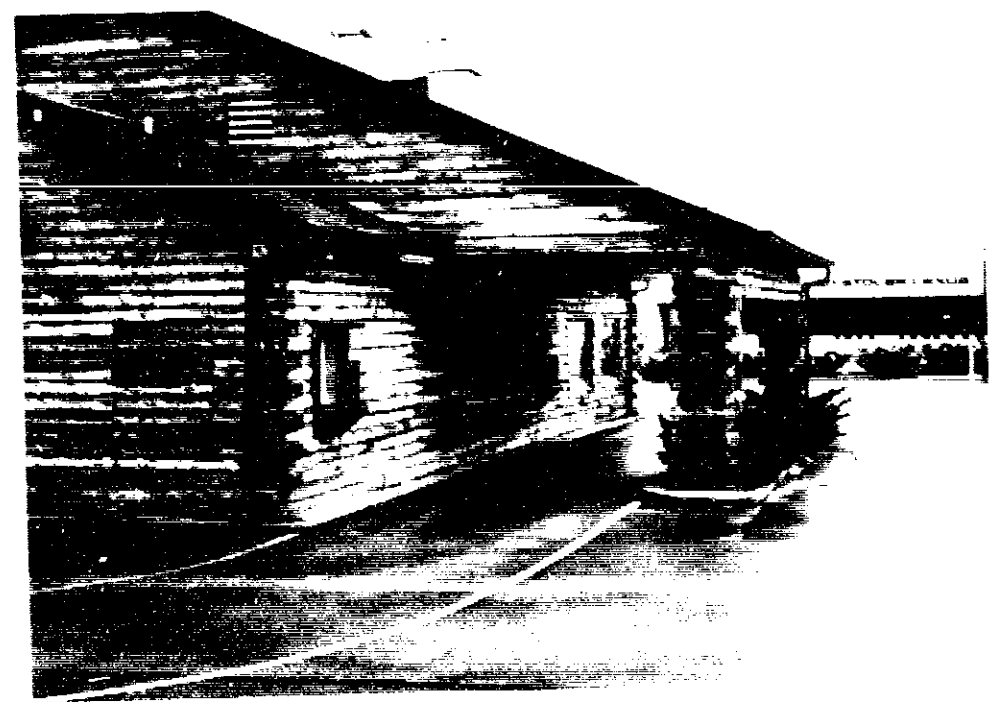
REVIEWER: *John Contestabile* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

Ref No 2

WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING



EXISTING DRIVE THRU WINDOW (2)



WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

REAR PARKING LOT



SHOWING AREA FOR EXPANDED PARKING
(TO EXTEND 40' PAST EXISTING PAVING)



WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING



VIEW FROM
FRONT

USE IN COMMON DRIVEWAY

VIEW FROM
REAR



WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING



LANDSCAPE AREA



WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

AREA TO REAR
(SHOWING EXISTING TREES TO REMAIN)



WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING



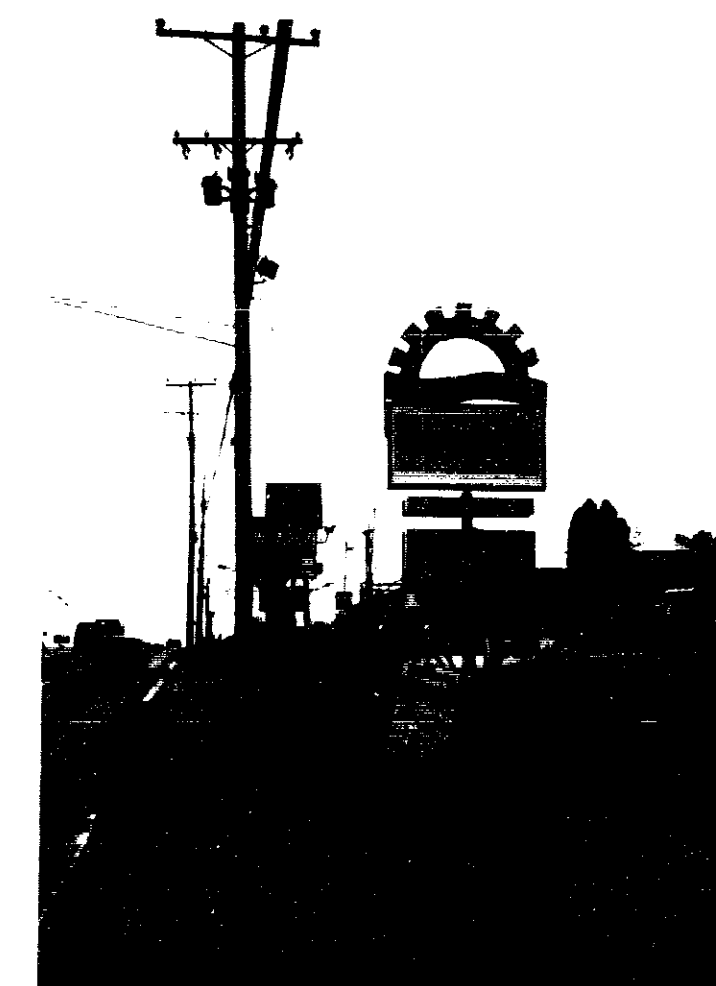
FRONT OF BUILDING
(SHOWING AREA FOR EXPANSION)



WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

EXISTING SIGNAGE



FREE STANDING SIGN
(READER BOARD TO BE ELIMINATED)

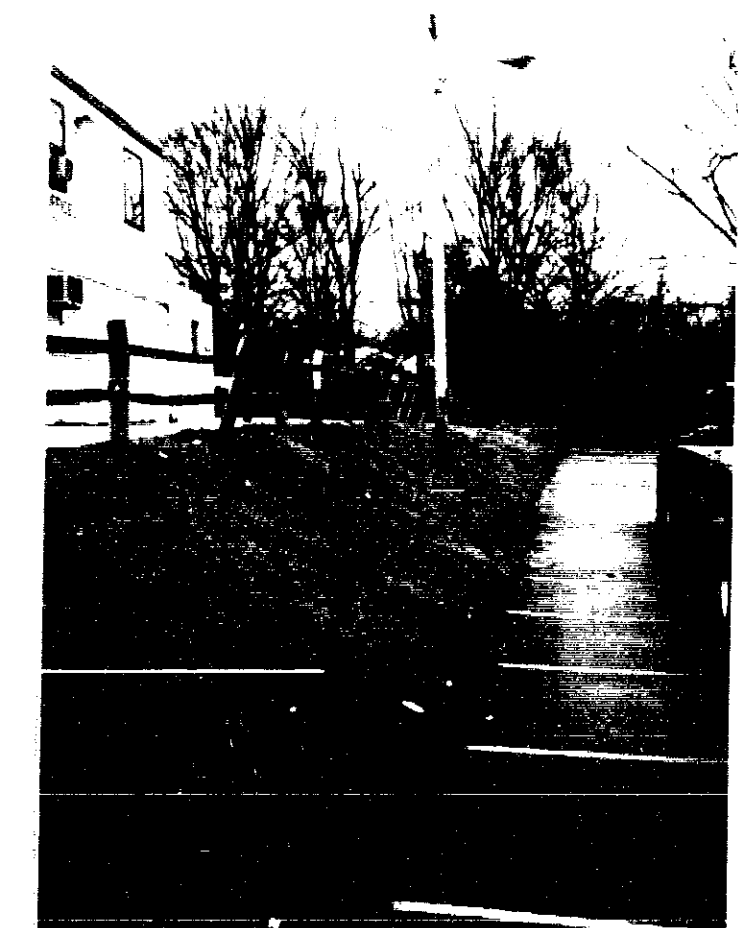
MENU BOARD



WILLIAM MONK, INC.

LAND USE PLANNING • ENVIRONMENTAL PLANNING • ZONING

STEEP SLOPE AREA ALONG SOUTH PROPERTY LINE
(GREATER THAN 2:1 SLOPE)



PROPOSED AMENDMENTS TO THE
BALTIMORE COUNTY ZONING REGULATIONS
REGARDING THE CREATION OF A COMMUNITY BUSINESS ZONE
AND NEW PARKING STANDARDS FOR RESTAURANTS
A Staff Report to the Baltimore County Planning Board
February 3, 1992

PROJECT DESCRIPTION

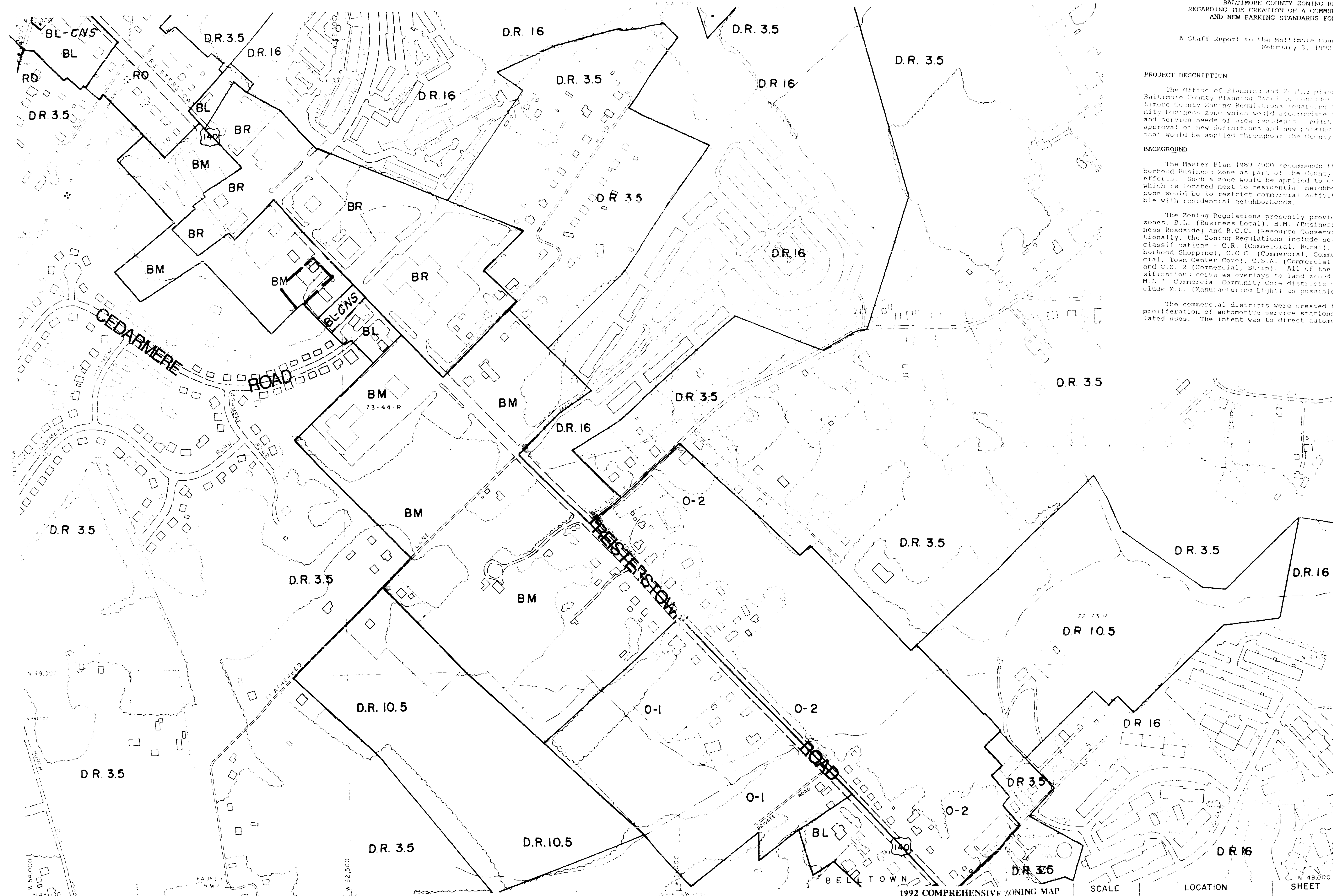
The Office of Planning and Zoning staff reports to the Baltimore County Planning Board to consider amendments to the Baltimore County Zoning Regulations regarding the creation of a community business zone which would accommodate the basic daily shopping and service needs of area residents. Additionally, staff requests approval of new definitions and new parking standards for restaurants that would be applied throughout the County.

BACKGROUND

The Master Plan 1989-2000 recommends the creation of a Neighborhood Business Zone as part of the County's community conservation efforts. Such a zone would be applied to commercial development which is located next to residential neighborhoods. Its primary purpose would be to restrict commercial activities considered incompatible with residential neighborhoods.

The Zoning Regulations presently provide for four business zones, B.L. (Business Local), B.M. (Business Major), B.R. (Business Roadside) and R.C.C. (Resource Conservation Commercial). Additionally, the Zoning Regulations include seven commercial district classifications: C.R. (Commercial, Rural), C.N.S. (Commercial, Neighborhood Shopping), C.C.C. (Commercial, Community Core), C.T. (Commercial, Town-Center Core), C.S.A. (Commercial Supporting Area), C.S. 1 and C.S. 2 (Commercial, Strip). All of the commercial district classifications serve as overlays to land zoned B.L., B.M., B.R. and R.C.C. Commercial Community Core districts differ in that they exclude M.L. (Manufacturing Light) as possible base zones.

The commercial districts were created in 1968 to control the proliferation of automotive-service stations and other vehicle-related uses. The intent was to direct automotive uses to the newly



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

William A. Howard
Chairman, County Council

SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

BELTOWN

SHEET

NW
13-1

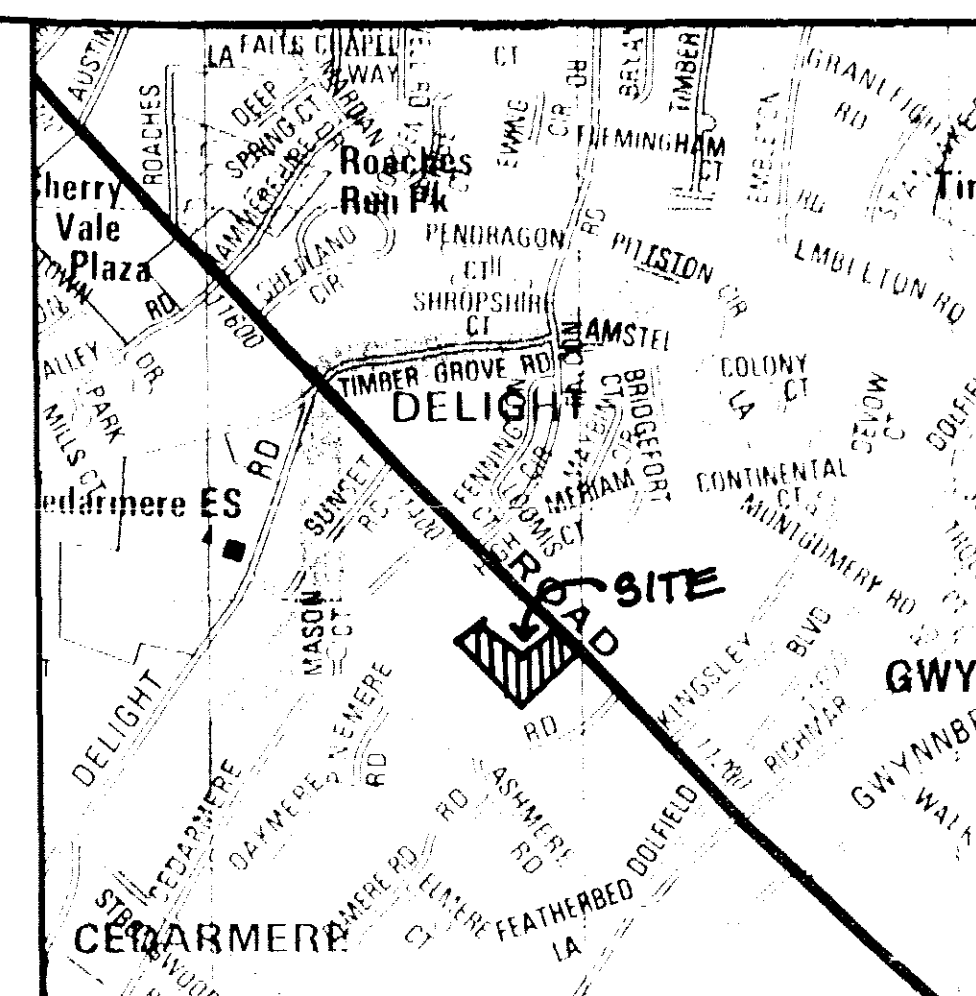
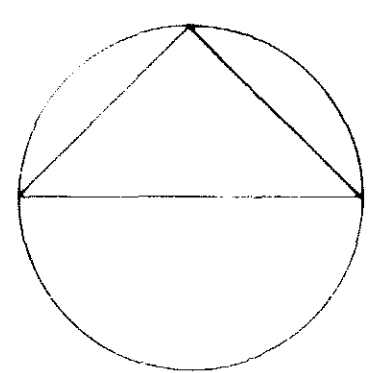
THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD 21210

REVISIONS
EXHIBIT 4

NOTES:

- 1) **EXISTING:**
EXISTING - RM
PROPOSED - RM (NO CHANGE)
- 2) **LOT AREA:** NET - 40,336 SQ. FT. (1.4 AC.)
GROSS - 48,042 SQ. FT. (1.4 AC.)
- 3) **EXISTING USE:** RESTAURANT WITH DRIVE-THRU WINDOW (UNOCCUPIED)
- 4) **PROPOSED USE:** RESTAURANT WITH DRIVE-THRU WINDOW (1 STORY)
- 5) **BUILDING SETBACKS:** REQUIRED PROVIDED
FRONT - 41.5' 50'
INTERIOR SIDE - 20' 30'
REAR - 21' 1/2'
- 6) **BUILDING AREA:**
EXISTING - 2,081 SQ. FT. +/-
PROPOSED - 2,820 SQ. FT. +/-
- 7) **PARKING:**
REQUIRED - 57 SPACES
PROVIDED - 44 SPACES
- 8) **UTILITIES:**
SEWER - PUBLIC
WATER - PUBLIC
- 9) **SPECIAL HEARING:** NONE
- 10) **VARIANCE:**
1) SECTION 101.2 & 235.1 TO ALLOW A FRONT YARD OF 50' FEET IN LIEU OF THE REQUIRED 41.5 FEET.
2) SECTION 407.02 TO PERMIT 44 PARKING SPACES IN LIEU OF THE REQUIRED 57 SPACES.
3) A VARIANCE FROM SECTION 413.01 TO PERMIT 86 SQ. FT. PER SIDE FOR THE FREE STANDING POLE SIGN IN LIEU OF THE REQUIRED 50 SQ. FT.
- 11) **SPECIAL EXCEPTION:** NONE
- 12) **ELECTION DISTRICT:** 4
- 13) **COUNCILMANIC DISTRICT:** 3
- 14) **CENSUS TRACT:** 4041
- 15) **WATERSHED:** 27
- 16) **SUBDIVISION:** 67
- 17) **DEED REFERENCE:** 1287/05
- 18) **PROPERTY ACCOUNT NO.:** 1600001203
- 19) **TAX MAP 58, BLOCK 7, PARCEL 42**
- 20) **FLOOR AREA RATIO:**
MAXIMUM PERMITTED: 4.0
PROPOSED: 0.8
- 21) **HEIGHT OF BUILDING:** 1 STORY
- 22) **MASS TRANSIT ADJUSTMENT:** N/A
- 23) **AMENITY OPEN SPACE:** N/A

- 24) **OUTDOOR LIGHTING:** PARKING LOT LIGHTING WILL BE PROVIDED. NO LIGHTS WILL PROJECT ONTO ANY ADJACENT PROPERTIES.
- 25) **HANDICAP RAMPS:** RAMPS TO ACCESS THE BUILDING WILL CONFORM TO ALL LOCAL, STATE AND FEDERAL REQUIREMENTS.
- 26) **SIGNS:** THE EXISTING FREE STANDING POLE SIGN WILL BE UTILIZED (SEE DETAILS ON PLANS). ALL BUILDING MOUNTED SIGNS WILL CONFORM TO SECTION 413.02 (BALTO CO SIGN PERMIT # 4313)
- 27) **PREVIOUS COMMERCIAL PERMIT:** CRD # IV 261, FINAL PLAT APPROVED AUGUST 10, 1988.
- 28) **PREVIOUS ZONING HEARINGS:** NONE



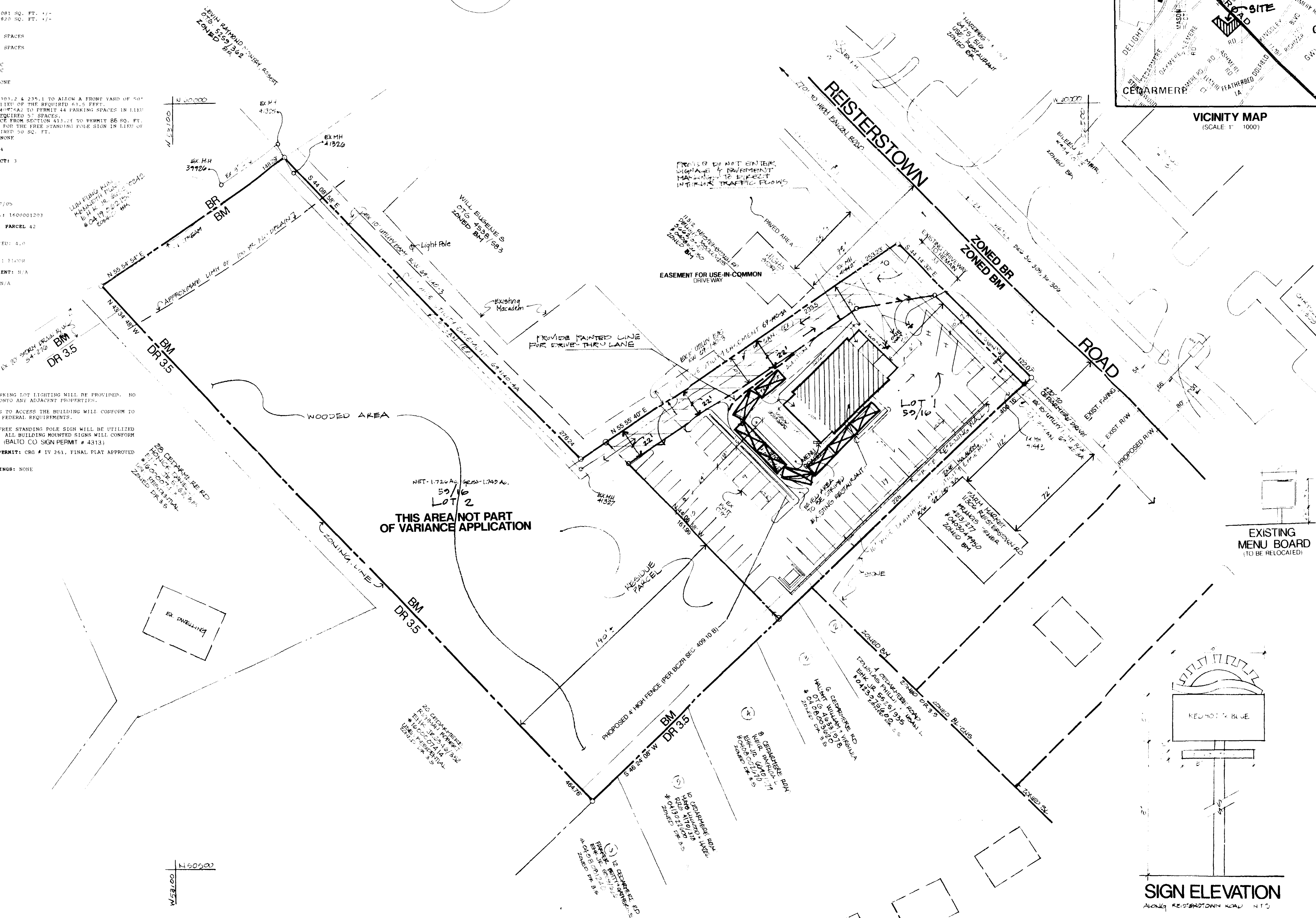
VICINITY MAP
(SCALE 1" = 1000')

APPLICANT:
BALTIMORE BAR-B-QUE MANAGEMENT, INC.
1600 WILSON BLVD.
ARLINGTON VA 22209
(703) 276-8833

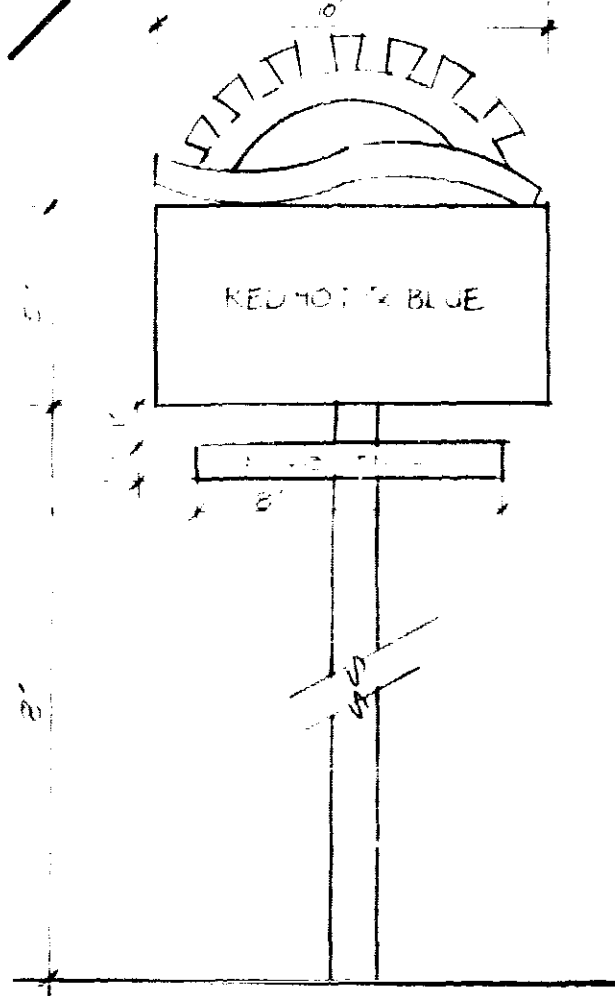
PLANS APPROVED & ZONING OFFICE OF PLANNING & ZONING
DATE: 4/17/13
BY: [Signature]
FOR: [Signature]

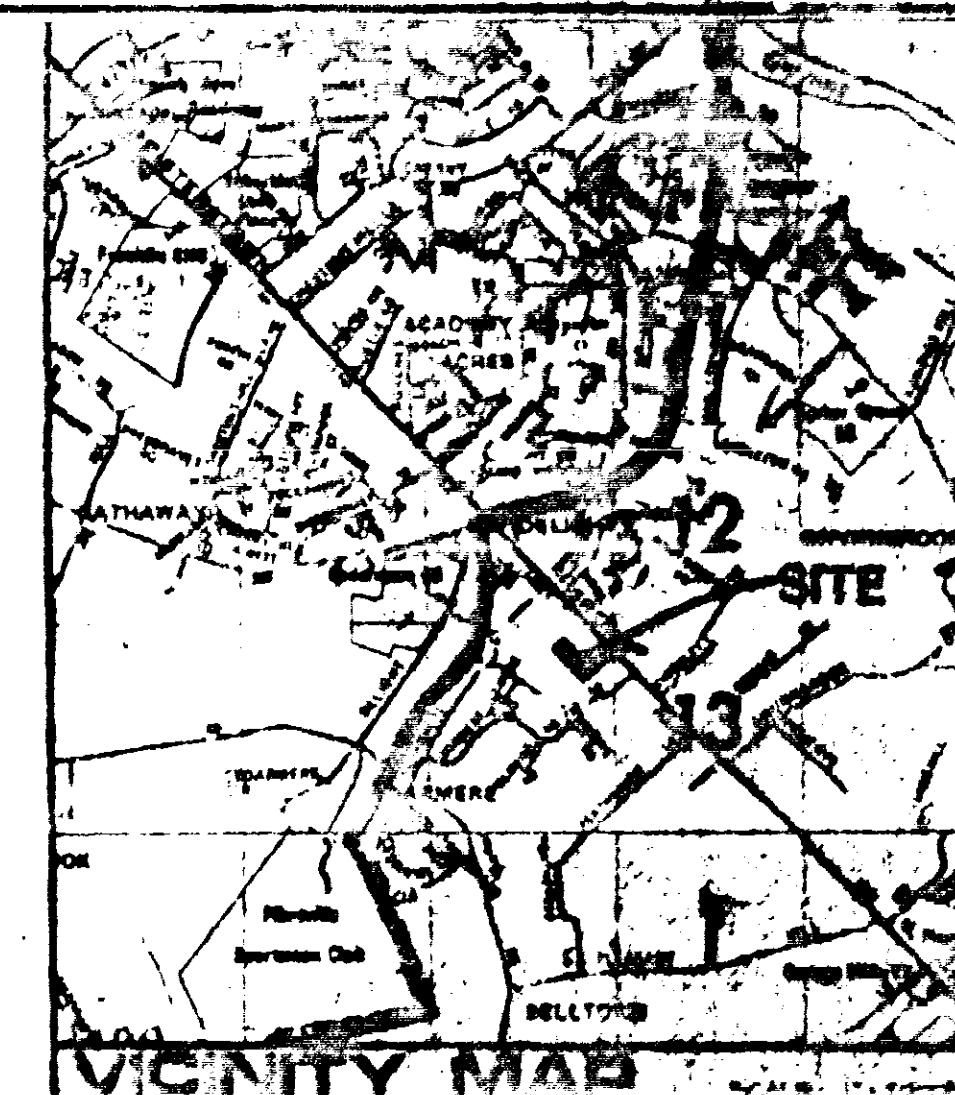
PLAT TO ACCOMPANY VARIANCE APPLICATION
RED HOT AND BLUE RESTAURANT
11308 REISTERSTOWN ROAD
BALTIMORE COUNTY, MARYLAND

WILLIAM MONK, INC.
PLANNING • LANDSCAPE DESIGN
ENVIRONMENTAL RESOURCE MANAGEMENT
COURTHOUSE COMMONS, SUITE 817
TOWSON, MARYLAND 21206
(410) 494-8931



SIGN ELEVATION
ALONG REISTERSTOWN ROAD - N.T.S.





NOTES

1. SITE AREA: 2.35 AC. NET, 2.45 AC. GROSS
2. EXISTING ZONING: O-6000 B/C-6000, 17.1 AC. OR 17.1
3. PROPOSED FLOOR AREA: 2,000 SF
4. PARKING PROVIDED: 1,150 SF = 40 SPACES
5. PARKING PROVIDED: 40 SPACES (INCLUDED 2 SPACES)
6. FLOOR AREA RATIO: 1.00 (1.00) = 1.00 (1.00)
7. FLOOR AREA RATIO: 1.00 (1.00) = 1.00 (1.00)
8. SITE DATA: COUNCILMANIC DISTRICT 3, GEN. TRACT 1, 404, WATERSHED 17, GUSSEWASHED 17
9. AVERAGE DAILY TRIPS GENERATED BY THIS PROJECT (RESTAURANT - HIGH TURN OVER SET DOWN) 1/4 x 1,000 SF (2,000 x 1,000) x 1/4 x 1/4 = 328.0 = 328
10. LANDSCAPE REQUIREMENTS: ADJACENT ROAD 125' @ 1/140' = 3, INTERIOR ROAD 10' @ 1/120' = 16, PARKING SPACES 40 @ 1/112' = 4, TOTAL TREE REQUIRED 17
11. EXISTING ON SITE TREES WHICH ARE SAVED WILL BE USED TO OFFSET THE LANDSCAPE REQUIREMENTS TO THE EXTENT ALLOWED BY THE LANDSCAPE MANUAL
12. THERE ARE NO KNOWN WETLANDS, CRITICAL AREAS, ARCHAEOLOGICAL SITES, ENDANGERED SPECIES, HAZARDOUS OR HAZARDOUS MATERIALS ON THIS SITE
13. CURRENT OWNER AND DEED REFERENCE: BRADY, POLK 08/1/0128
14. TAX ACCOUNT: 1600001003
15. PROPOSED USE: RESTAURANT (MAX. HEIGHT 15' HOURS OF OPERATION: 11:00 AM - 11:00 PM)
16. MAX. NUMBER OF EMPLOYEES: 17
17. 25% OR GREATER FLOORS SHOWN THUSLY WITH 10% F.A.R. ALLOWED = 106,772 SF x 0.25 = 26,693 SF
18. GRADING IS LIMITED TO THE DEMOLITION OF EXISTING BUILDING AND EXCAVATION FOR PROPOSED BUILDING (3050 SF. TOTAL)
19. EXISTING PAVING WILL BE REPAIRED WITH A DOUBLE SURFACE OF TPA AND GMB

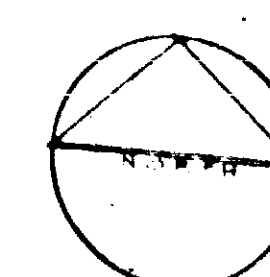
SOIL TYPES AND LIMITATIONS			
TYPE	SOIL W/OUT CEMENT	SOIL W/OUT CEMENT	SOIL W/OUT CEMENT
SOIL	SEVERE: HIGH WATER TABLE	SEVERE: HIGH WATER TABLE	SEVERE: HIGH WATER TABLE
SOIL	SEVERE: HIGH WATER TABLE	SEVERE: HIGH WATER TABLE	SEVERE: HIGH WATER TABLE
SOIL	SEVERE: HIGH WATER TABLE	SEVERE: HIGH WATER TABLE	SEVERE: HIGH WATER TABLE

WFK WILLIAM F. KIRWIN, INC.

28 E. Susquehanna Avenue
Towson, MD 21204
Phone 301-337-0071

PIGLET'S
11308 REISTERSTOWN ROAD

BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 40'



**PETITIONER'S
EXHIBIT D-1**

ELECTION DISTRICT 4